

RECEIVED  
CENTRAL FAX CENTER

JUN 06 2005

**KRIEG · DEVAULT**  
**ATTORNEYS AT LAW**  
*Solutions, not obstacles™*

**FAX COVER PAGE****Date:** June 6, 2005**Pages (including this page):** 12**To:** Commissioner for Patents**Fax:** 703-872-9306**Phone:****From:** Douglas A. Collier**Fax:** (317) 636-1507**Phone:** (317) 238-6333**Subject:** U.S. Patent Application Serial No. 10/790,329**Comments:** I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at 703-872-9306 on:

June 6, 2005 (Date of Transmission)

Douglas A. Collier (Name of Registered Representative)

Signature

**Hard Copy Will Be Sent Via:**

- Regular Mail
- Overnight Courier
- Via Messenger
- Fax Communication Only

**Sent By:** dcollier**Client Code:** MSDI-22**WARNING CONFIDENTIALITY NOTICE**

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

**For Questions or Problems in Transmission, Please Contact our Fax Operators**

Krieg DeVault LLP	Krieg DeVault LLP	Krieg DeVault Galvin LLP	Krieg DeVault Lundy LLP
One Indiana Square	12800 N Meridian Street	5231 Hohman Street	825 Anthony Wayne
Suite 2800	Suite 300	Hammond, IN 46320	Building
Indianapolis, IN 46204	Carmel, IN 46032	Telephone-(219) 933-0380	203 East Berry Street
Telephone-(317) 636-4341	Telephone-(317) 566-1110	Fax-(219) 933-0471	Ft. Wayne, IN 46802
Fax-(317) 636-1507	Fax-(317) 636-1507		Telephone-(260) 422-1534
			Fax-(260) 423-1590

KD\_IM-616654\_1.DOC

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 11

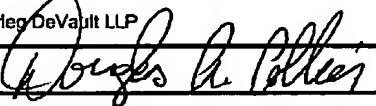
Application Number	10/790,329
Filing Date	March 1, 2004
First Named Inventor	Kevin T. Foley
Art Unit	3738
Examiner Name	Thomas Sweet

Attorney Docket Number 4002-3486/PC746.02

**ENCLOSURES (Check all that apply)**

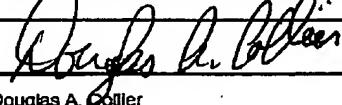
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	June 6, 2005	Reg. No.	43,556

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Douglas A. Collier	Date	June 6, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED  
CENTRAL FAX CENTER**

#615272

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 06 2005

In re patent application of:	) Before the Examiner
Kevin T. Foley	) Thomas Sweet
Serial No. 10/790,329	)
Filed: March 1, 2004	) Group Art Unit 3738
SYSTEMS AND METHODS FOR RESTORING AND MAINTAINING INTERVERTEBRAL ANATOMY	) Atty Docket No. 4002-3486/PC746.02
	) June 6, 2005

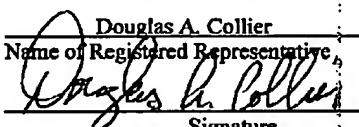
RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed April 5, 2005, please consider the following. Please provide any extensions of times that may be necessary and charge any fees due to Deposit Account 12-2424, but not including the payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 703-872-9306 on:

June 6, 2005
(Date of Transmission)
Douglas A. Collier
Name of Registered Representative

Signature
June 6, 2005
Date of Signature

---

Response to Final Office Action  
Ser. No. 10/790,329  
Atty Docket No. 4002-3486/PC746.02  
Page 1 of 10